

R E M A R K S

Claims 1, 2, 5, 7-27, and 29-34 are pending in this application. Claims 3, 4, 6, and 28 have been cancelled. Claims 31-34 are new to this application. Claims 1 and 31 are the pending independent claims.

Claim Objections

Claim 16 was objected to under 37 C.F.R. § 1.75(c) as being an improper multiple dependent claim. Claim 16 has been amended to proper alternative form.

Claim Rejections Under 35 U.S.C. § 112, second paragraph

Claims 4, 8, 9, 14, 17, 21, 28, 29, and 30 were rejected under 35 U.S.C. § 112, second paragraph. Claim 4 has been cancelled. Claim 1 has been amended to provide antecedent basis for "inner knife and outer knife" in claim 8 and "the set of conic knives" in claim 14. Claim 17 has been amended to delete the phrase "or similar." Claim 28 has been cancelled. Claim 29 has been amended to a method claim. Claim 30 has been amended to clarify that the driving device of claim 30 is the same as the driving device in claim 10.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-3, 5, 12, 13, 17, 21, and 26-29 were rejected under 35 U.S.C. § 102(b) as anticipated by Japanese '206 publication. Applicants respectfully submit that the Examiner may have meant the French '206 publication (hereinafter "the '206 publication") as no Japanese '206 patent was cited by the Examiner or by the Applicant. Claims 1, 2, 5, 12, 17, 21, 26, and 28 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,437,499 to Devale (hereinafter "Devale").

The '206 publication describes a coffee machine having a rotary table that is adapted to support cups and a detector. When a cup is placed on the table, the table turns to move the cup across the detector, which then detects the height of the cup, and coffee is dispensed into the

cup in relation to the height of the cup. The '206 publication teaches that the rotary table includes cavities for placement of the cups.

Devale describes a beverage dispenser having three sensors for detecting three different heights of cups placed in front of the sensors. A cup is placed in front of the sensors and the size of the cup is detected. The cup is then filled with an appropriate amount of a liquid beverage based on the size of the cup.

Neither the '206 publication nor Devale teach or suggest a dosage unit having a fastener for receiving and fastening a collection unit as now claimed in amended claim 1 and new independent claim 31. The '206 publication and Devale also do not teach or suggest a dosage unit having a grinder effective for grinding a product into a particulate product as now claimed.

Amended independent claim 1 and new independent claim 31 further require that the grinder comprise a set of conic knives including a funnel-shaped outer conic knife and an inner cone-shaped inner conic knife. Neither Devale nor the '206 publication teach the knives as claimed.

Moreover, both Devale and the '206 publication are directed to dispensing liquid beverages. Neither Devale nor the '206 publication teach or suggest an identification device configured to identify the size of the collection unit and dispense a particulate product based on the size of the collection unit identified as now claimed.

Claim Rejections Under 35 U.S.C. § 103(a)

Claim 13 was rejected under 35 U.S.C. § 103(a) as unpatentable over Japanese '206 publication. Again, Applicants respectfully submit that the Examiner may have meant the French '206 publication. Claims 4, 6-11, 14, 15, 18, 19, and 30 were rejected under 35 U.S.C. § 103(a) as unpatentable over Japan in view of British '611 patent (hereinafter "the '611 patent"). Claim 20 was rejected under 35 U.S.C. § 103(a) as unpatentable over Japan in view of Japanese '426 publication (hereinafter "the '426 publication"). Claims 22-25 were rejected under 35 U.S.C.

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§ 103(a) as unpatentable over Japan in view of German '413 publication (hereinafter "the '413 publication").


Claims 2, 5, 7-27, 29, 30, and 32-34 are ultimately dependent, directly or indirectly, upon independent claims 1 and 31 discussed above. While the Applicant believes that other arguments are available to highlight the allowable subject matter presented in various of the dependent claims, the Applicant also believes that the comments set forth herein regarding allowability of the independent claim are sufficiently compelling to warrant present exclusion of such additional points for the sake of brevity and expedited consideration.

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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